

REMARKS

SUMMARY

Reconsideration of the application is respectfully requested. Claims 1-25 have been rejected. Claims 1-2, 7, 9, 13-20 and 25 have been amended. Claims 6 and 24 have been cancelled. Claim 26 has been added. All amendments are fully supported by the original disclosure, no new matter has been added.

CLAIM OBJECTIONS

Claim 20 was objected to because of the following open-ended limitation: claim 20 recited “at least one processor coupled to the apparatus to”. Applicant acknowledges the Examiner’s objection, and claim 20 has been amended to recite “at least one processor coupled to the apparatus to execute the instructions.” Applicant respectfully submits that this amendment obviates the Examiner’s objection to claim 20, and reconsideration of this objection is therefore requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-13 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, claims 1-13 were rejected on the grounds that they may be performed within the human mind. Applicant respectfully acknowledges the Examiner’s grounds for rejection. In response, claim 1 has been amended to recite the apparatus that performs the claimed method. Therefore, Applicant respectfully submits that the amendment to claim 1 obviates the rejection. Claims 2-13 depend from claim 1, incorporating its recitations, and are allowable for at least the same reasons. Reconsideration of the rejection of claims 1-13 is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-25 were rejected as being obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 7,363,300 issued to Davis et al. (hereinafter “Davis”) in view of U.S. Pub. No. 2008/0097830 to Kim (hereinafter “Kim”). In response, Applicant has amended the

independent claims to more clearly recite the invention being claims. The independent claims have now been amended to recite a method, an article or an apparatus, that among other things, “determine a bidding strategy for the plurality of marketing options, allocating resources among the marketing options, by solving an objective function, using the plurality of models.” Applicant respectfully draws the Examiner’s attention to the fact that the recitation includes

- determining by a computing device/apparatus a bidding strategy
- the bidding strategy is for multiple (a plurality of) marketing options
- the bidding strategy includes allocations of resource to the marketing options
- the bidding strategy is determined by solving an objective function, using the specified models.

The amendments are fully supported by the original disclosure. In particular, support for the recitation “models that model performance metrics for a plurality of marketing options ...” may be found e.g. in paragraph [0017], and claims 3-4.

Applicant submits none of the cited references, individually or in combination suggest the claimed method, article and apparatus, when the recitations are viewed as a whole, as required by law. None of the cited references, individually or in combination, teaches or suggests “determining by a computing device, a bidding strategy for a plurality of marketing options,” nor “allocating resources among the plurality of marketing options.” Further, none of the cited references, individually or in combination teaches or suggests the “determining” is “by solving an objective function that uses the specified models” “that model performance metrics of the plurality of marketing options.”

The Examiner’s reliance on the teaching of Kim and Davies has been rendered moot by the amendments, thus unnecessary to address their merits.

Accordingly, for at least the above discussed reasons, independent claims 1, 14 and 20 are patentable over the cited references.

Claims 2-5, 7-13, 15-19, 21-23 and 25, as well as new claim 26, depend from either independent claim 1, 14 or 20, incorporating their recitations. Thus, for at least the same reasons, dependent claims 2-5, 7-13, 15-19, 21-23 and 25-26 are also patentable over the cited references.

Dependent claims 2-5, 7-13, 15-19, 21-23 and 25-26 recite additional recitations, and are further patentable over the cited references because of these additional recitations. For examples, claims 7-8 recite a number of objective functions, and claims 10-12 recite a number of constraints. In the Office Action, the Examiner pointed to various teachings in the references as suggesting these recitations. Applicant respectfully disagrees. For example, just the fact that references teaches tracking of certain metrics, the references do not suggest to one of ordinary skill in the art, to incorporate these tracked metrics into an objective function or a constraint that is employed in determining a bidding strategy for a plurality of marketing options, allocating resources among the marketing options. Applicant again respectfully remind the Examiner that under 103 the invention being claimed must be viewed “as a whole” as required by section 103.

CONCLUSION

All pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1542. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: January 28, 2008

/Al AuYeung/
Al AuYeung
Reg. No. 35432

Schwabe, Williamson & Wyatt, P.C.
U.S. Bank Centre
1420 5th, Suite 3010
Seattle, Washington 98101
Telephone: 206-622-1711